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Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The UN Human Rights Council must address violations and abuses against civilians in Yemen conflict

BACKGROUND

Since the 30th session of the UN Human Rights Council,[1] Amnesty International has conducted further research on violations in the context of the conflict in Yemen, including a field mission in November 2015. Amnesty International has gathered evidence, over the course of four field missions to Yemen since May 2015, that all parties to the conflict have committed violations of international human rights law and international humanitarian law. Since the beginning of the conflict in March 2015, Amnesty International has investigated over 30 air strikes in Sana'a, Hodeidah, Hajjah and Sa'da, their circumstances and impact. Amnesty International found that the Saudi Arabia-led coalition continued to commit violations of international humanitarian law, including by the apparently deliberate targeting of civilian objects such as hospitals, schools and factories. Meanwhile, since November 2015 the Huthi armed group and its allies have imposed restrictions on medical aid and goods essential for the survival of civilians in Ta'iz and shelled civilian areas. They have also carried out arbitrary arrests, detentions and abductions of government supporters, journalists and human rights defenders, and curtailed freedom of association by closing down NGOs. According to the UN Office for the Coordination of Humanitarian Affairs, as of 16 February 2016 the conflict in Yemen had resulted in nearly 3,000 civilian deaths.[2]

SAUDI ARABIA-LED COALITION

Since 25 March 2015, thousands of air strikes by Saudi Arabian-led coalition forces have killed hundreds of civilians all over Yemen. Amnesty International has investigated more than 30 air strikes in various parts of the country. The majority of the airstrikes Amnesty International has researched were unlawful – in that they deliberately targeted civilian objects or disproportionately harmed civilians and civilian objects in relation to the expected military gain from the strike, or failed to distinguish between these and military objectives. In some instances, air strikes appeared to have directly targeted civilians or civilian objects. The pattern of attacks and the lack of investigations to date into such incidents raises serious concerns about an apparent disregard for civilian life and for fundamental principles of international humanitarian law both by those planning and executing the attacks and by the exiled Yemeni government, at whose behest coalition forces are acting.

In July 2015, Amnesty International visited the governorate of Sa'da, and investigated 13 strikes that took place during May, June and July 2015 in and around Sa'da governorate, after the coalition had declared the city a military target. Those strikes killed some 100 civilians – including 55 children and 22 women – and injured a further 56, including 18 children. The youngest child killed was just 12 days old, whose body was found by relatives alongside that of his mother, who was also killed in the same airstrike. In the single worst incident investigated, 55 people, including 35 children, were killed.[3]

Amnesty International also investigated five unlawful strikes that took place between August and October 2015 in Hodeidah, Hajjah, and Sana'a governorates, which appear to have directly targeted schools. These strikes killed five

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[1] See Amnesty International's written statement *"The UN Human Rights Council must address abuses against civilians in Yemen conflict"* submitted to the 30th session: A/HRC/30/NGO/146 of 9 September 2015; Available at: https://www.amnesty.org/en/documents/mde31/2357/2015/en/

[2] See OCHA's Statement to the Security Council on Yemen, 16 February 2016, Available at: http://reliefweb.int/report/yemen/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-stephen-4

[3] Amnesty International, *Yemen: 'Bombs fall from the sky day and night': civilians under fire in Northern Yemen* (Index: MDE 31/2548/2015), 6 October 2015, Available at: https://www.amnesty.org/en/documents/mde31/2548/2015/en/

and injured at least 14 civilians, including four children.[4] They have severely disrupted the education of the some 6550 children who regularly attended the targeted schools.

Some coalition air strikes hit hospitals and other medical facilities in Sa'da and Ta'iz governorates, injuring patients and medical workers. On 26 October 2015, the Saudi Arabia-led coalition destroyed a Médecins Sans Frontières (MSF) supported hospital in Haydan in Sa'da, injuring seven medical workers.[5] MSF said that another of its clinics in Ta'iz was struck by coalition air strikes on 2 December, wounding nine people, including two MSF staff.[6] On 10 January 2016, MSF reported that the al-Shi'ara hospital at Razih in Sa'da governorate had been struck, killing six people and injuring at least seven, and that planes were seen flying over the facility at the time of the attack.[7] According to MSF personnel who visited the site soon after, there was no evidence that the hospital was used for military purposes. On 21 January, an MSF ambulance was also struck and its driver killed in an attack that killed at least six and wounded dozens of others in Sa'da governorate.[8]

Coalition forces used imprecise munitions including large US and UK-made bombs[9] with a wide impact radius, which cause casualties and destruction beyond their immediate strike location. In Sa'da and Hajjah, they also used US-made cluster munitions, inherently indiscriminate weapons whose use is prohibited under customary international humanitarian law, and which scatter bomblets over a wide area and present an ongoing risk to civilians as they frequently fail to detonate upon impact.

Amnesty International investigated two incidents in which cluster bombs were used, one in October 2015 and one in January 2016. In October, Saudi Arabia-led coalition forces appear to have used a Brazilian variant of internationally banned cluster munitions on a residential neighbourhood in Ahma in Sa'da, northern Yemen, wounding at least four people and leaving dangerous unexploded sub-munitions strewn around the surrounding farmland.[10] A four year old girl, Hasna Mohamed Hussein Jumaan, injured her left leg a couple of days after the attack when she came into contact with an unexploded sub-munition. In January, Amnesty International found evidence indicating that the Saudi Arabia-led coalition forces dropped US-manufactured cluster munitions on the Yemeni capital, Sana'a, on 6 January 2016.[11] The attack killed a 16-year-old boy and wounded at least six other civilians, and scattered sub-munitions in at least four different residential neighbourhoods.
In order to deny supplies to Huthis and their allied forces, the coalition imposed a partial aerial and naval blockade. This severely curtailed the import and provision of fuel and other essentials, obstructing access to food, water, humanitarian assistance and medical supplies, exacerbating the worsening humanitarian crisis in the country.

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[4] Amnesty International, *Yemen: 'Our kids are bombed': Schools under attack in Yemen* (Index: MDE 31/3026/2015), 11 December 2015, Available at: https://www.amnesty.org/en/documents/mde31/3026/2015/en/

[5] MSF, *Health facilities under attack, MSF wants answers*, 25 January 2016, Available at: http://www.msf.org.uk/article/yemen-health-facilities-under-attack-msf-wants-answers; and Amnesty International, Yemen: *Bombing of MSF hospital may amount to a war crime*, 27 October 2015, Available at: https://www.amnesty.org/en/latest/news/2015/10/yemen-bombing-of-msf-hospital-may-amount-to-a war-crime/

[6] MSF, *Yemen: None wounded in Saudi-led coalition airstrike on MSF clinic*, 3 February 2015, Available at: http://www.msf.org.uk/article/yemen-nine-wounded-in-saudi-led-coalition-airstrike-on-msf-clinic

[7] MSF, *Yemen: Third MSF health facility bombed*, 10 January 2016, Available at: http://www.msf.org.uk/article/yemen-third-msf-health-facility-bombed

[8] MSF, *Health facilities under attack, MSF wants answers*, 25 January 2016, Available at: http://www.msf.org.uk/article/yemen-health-facilities-under-attack-msf-wants-answers

[9] Amnesty International, *Yemen: Coalition used UK missile in unlawful airstrike*, 25 November 2015, Available at: https://www.amnesty.org/en/latest/news/2015/11/yemen-coalition-used-uk-cruise-missile-in-unlawful airstrike/

[10] Amnesty International, *Yemen: Brazilian cluster munitions suspected in Saudi Arabia-led coalition attack*, 30 October 2015, Available at: https://www.amnesty.org/en/latest/news/2015/10/yemen-brazilian-cluster-munitions-suspected-in-saudi-arabia-led-coalition-attack/

[11] Amnesty International, *Yemen: New evidence challenges coalition's denial it used cluster munitions in recent attack* (Index: MDE 31/3208/2016), 15 January 2016, Available at: https://www.amnesty.org/en/documents/mde31/3208/2016/en/

ARMED GROUPS – HUTHI ARMED GROUP AND ALLIED FORCES

There was a surge in arbitrary arrests, detentions and abductions of government supporters, journalists, human rights defenders and other persons by Huthis and allied forces loyal to former President Saleh. Many detainees have been held in multiple, often unofficial, locations including private homes without being informed of the reason for their detention or given any opportunity to challenge its legality. At least 25 men, including political activists, human rights defenders and journalists, were detained by armed men in civilian clothes who said they belonged to Ansarullah, the political wing of the Huthi armed group, while attending a meeting at an Ibb hotel on 13 October 2015. Most were later released, reporting that they had been tortured, but Antar al-Mabarazi, an engineer, and Ameen al-Shafaq, a university professor, remained in incommunicado detention at the time of writing this submission. Political activist Muhammad Qahtan, a leading figure in the al-Islah political party, has been in the custody of the Huthi forces since 4 April 2015 and is in danger of torture and other ill-treatment.[12]

Huthi forces curtailed freedom of association, raiding the offices of and closing down at least 27 NGOs in Sana'a and threatening their directors and staff. Organizations which have continued to operate are in many cases exercising self-censorship and face constraints due to harassment and intimidation of their staff.[13]

The Huthi armed group and forces allied to it are endangering the lives of thousands of civilians in the southern city of Ta'iz by blocking the entry of crucial medical supplies and food over the past three months, in clear violation of international humanitarian law, exacerbating the already-dire humanitarian situation in the city. All routes into and out of Ta'iz are controlled by the Huthi armed group and its allies. Restrictions on entering and leaving the city have tightened significantly since the conflict began. Only al-Duhi crossing to the west of the city has remained open on an intermittent basis, leaving residents largely trapped inside.

Testimony gathered during December and January by Amnesty International from 22 residents and medical staff living in Yemen's third largest city paints an alarming picture of civilian suffering and hardship. Most of the city's hospitals have shut down and the few that remain open are on the verge of collapse due to a lack of supplies. One resident told Amnesty International that his new-born baby died hours after he was born in December because of severe oxygen shortages at the city's hospitals.[14]

Amnesty International urges the Human Rights Council, its members and observer states to:

- Call on all parties to the conflict to:
    - Fully comply with the relevant provisions of international humanitarian law in the planning and execution of any military operations. In particular they must ensure that civilians and civilian objects are not targeted, and take necessary precautions to distinguish between civilians and fighters and between civilian objects and military objectives and end indiscriminate and disproportionate attacks;
    - Allow full and unfettered access to organizations providing humanitarian aid;
- Establish an independent international inquiry to investigate alleged serious violations of international humanitarian law and international human rights law by all parties to the conflict since the beginning of hostilities in September 2014;

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[12] Amnesty International, *Yemen: Political activist in custody, risks torture: Muhanmmad Qahtan* (Index: MDE 31/3211/2016), 20 January 2016, Available at: https://www.amnesty.org/en/documents/mde31/3211/2016/en/

[13] For more details about this attack and others documented by Amnesty International, see: Amnesty International, *Yemen: Huthi armed group must end crackdown on human rights defenders and NGOs,* (Index: MDE 31/2931/2015) 1 December 2015, available at: https://www.amnesty.org/en/documents/mde31/2931/2015/en/

[14] Amnesty International, *Yemen: Huthi forces block vital hospital supplies fuelling humanitarian crisis in Ta'iz,* 9 February 2016, available at: https://www.amnesty.org/en/press-releases/2016/02/yemen-huthi-forces-block-vital-hospital-supplies-fuelling-humanitarian-crisis-in-taiz/

- Mandate regular reporting to the Council on the human rights situation in Yemen and hold related inter-active dialogues;

- Urge all countries supplying arms, or considering the supply of arms, to any parties to the conflict to immediately suspend those arms transfers where there is a substantial risk that the arms would be used to commit or facilitate serious violations of human rights or international humanitarian law; and

- Ensure that prompt and full reparation is provided to victims and families of victims of unlawful attacks which resulted in human or material damage.